

**VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS (AAFM)  
VERMONT PESTICIDE ADVISORY COUNCIL (VPAC)  
SEPTEMBER 3, 2015 MEETING MINUTES**

**MEMBERS IN ATTENDANCE**

Gary, Lené  
Giguere, Cary  
Halman, Josh  
Hazelrigg, Ann  
Hoffman-Contois, Razelle (Chair)  
Levey, Rick  
Palmer, Eric  
Shively, Andy

**MEMBERS ABSENT**

Bosworth, Sid  
Darrow, Casey

**GUESTS**

Michael Bald  
Ben Delorme  
Alison Kosalowski  
Jim Leland  
Chuck Ross

**Meeting Called to Order**

1:05 pm EDT

**Meeting Adjourned**

4:20 pm EDT

**Announcements**

- Minutes from the 4/28/15 meeting were reviewed and approved with correction of a typo (R. Levey moved, C. Giguere seconded). Final minutes will be posted to the VPAC SharePoint site.
- Razelle introduced new Council members Josh Halman of VT Forest, Parks and Recreation and Ann Hazelrigg of UVM and welcomed back Andy Shively representing the Vermont Agency of Transportation.
- A member of the Council suggested AAFM could expand efforts to increase awareness of scheduled VPAC meetings. Razelle asked if notice of impending meetings could be incorporated into VT ALERT; others suggested use of social media such as Front Porch Forum.
- Razelle asked for an update on the pilot effort to use VT ALERT as a means of notification for when a permit for treatment within a railroad Right-of-Way has been initiated (permittees are required to notify AAFM before treatment is initiated). Cary reported that Matt Wood is the AAFM lead on this and will be invited to provide a status report at an upcoming meeting.
- VPAC SharePoint site continues to evolve. Please send any suggestions for improvement or documents for posting to Razelle.

**Business**

**Vegetation Control within Railroad Rights-of-Way**

Chuck Ross, Secretary of AAFM, spoke with the Council regarding vegetation control efforts within railroad Rights-of-Way in Vermont, in particular, along the portion of the Washington County line (part of the Vermont Rail System) that runs through a heavily populated area in downtown Montpelier. He described concerns that have been expressed by some members of the public regarding use of chemical means of control in this area and the use of pesticides in general. The Secretary recapped events related to the Washington County permit over the past 18 months including issuance of an amended permit prohibiting use of herbicides in ballast maintenance between where the railroad intersects Main and Granite streets in Montpelier. He acknowledged the complex nature of balancing the need for safe and reliable operation of rail lines with protection of public health and the environment and maintenance of public trust. Going forward he would like comprehensive information on, and evaluation of, methods for vegetation management in railroad Rights-of-Way including but not limited to: evaluation of incorporating mechanical means of maintenance in sensitive areas (i.e., densely populated areas) while balancing the use of rail as a means of transportation; consideration of human health, safety and potential environmental implications of shifting to other modes of transportation e.g., increased diesel traffic and emissions and carbon footprint; inclusion of feedback from all stakeholders on control strategies; evaluation of scenarios where manual and non-chemical means of control are used in sensitive areas; evaluation of the risk of disruption of ballast due to root structures being left in place post mechanical control; determination of the effect of root structures and woody plants on the integrity of the ballast if growth is not controlled by any means and determination if a method that may be applicable for the Montpelier stretch would be broadly applicable to similar sensitive areas. Identification of specific herbicides or classes of such, that may be appropriate for consideration and determination as to whether current chemical control methods present a risk to public health were also noted to be important. Secretary Ross noted there could be some aspects VPAC may have previously examined.

Razelle asked for clarification of what VPAC is being asked to provide. She described previous work VPAC has done on this subject, including the extensive efforts of the multi-year railroad vegetation management workgroup that included development and a pilot test of a novel mechanical means of control and culminated in development of the Vermont Rail Systems 2006-2011 Integrated Management Plan (IVMP) which has become a model for other rail lines.

Cary pointed out that, to date, policies regarding “sensitive areas” have focused on environmentally sensitive areas, though he also noted the IVMP currently utilized by several rail lines does consider densely populated areas as sensitive areas. He described how VPAC has addressed populated areas by noticing pending treatment and adjusting the timing of an application (i.e., treat during times of low activity such as early in the morning), which differs from that of environmentally sensitive areas in which buffers are enforced. Rick Levey noted the issue, and VPAC

discussed at length, the need to create separate definitions for environmentally sensitive areas and areas with high potential for public exposure. Recommendations for mitigating measures in the latter could be elucidated.

Ann Hazelrigg asked if there is mapping program to identify densely populated as well as environmentally sensitive areas along rail lines. If there is not, she suggested this could be identified as a priority need. Cary confirmed GIS mapping is used.

Razelle raised the issue of buffers in general, as the values currently in place were established many years ago and are ripe for review.

Eric Palmer reiterated that VPAC does make recommendations regarding protection of public health for example, by use of mitigating measures. He highlighted the challenges of reducing and minimizing risk - What does "minimize" mean? Poundage does not appear to be an appropriate metric. He pointed out that at the same concentration, some chemicals may have less potential for health effects but are more hazardous for wildlife and the environment. He described that glyphosate is one that VPAC has looked at as being of relatively low risk based on the use pattern under consideration. Eric noted the challenges of risk communication and public perception of various types of activities. With regard to the Washington County permit, he echoed that VPAC had looked at the proposal in detail, listened and understood concerns that had been expressed by some member of the public and had offered what VPAC believed to be conservative recommendations. He reiterated that VPAC had encouraged a cooperative effort between all parties in 2014 and again in 2015. Eric went on to briefly offer an overview of similar concerns that were raised in a particular area of Norton in the late 1990's. Razelle also contributed to this conversation, as she participating in researching the concerns that were raised.

Secretary Ross noted that he would like a comparison of mechanical versus chemical means of control to help determine if there is justification for promotion of manual methods.

Cary and Ben Delorme (representing VRS), gave an update on the recent mechanical control effort in Montpelier. Ben said the mechanical control team had been to Montpelier 2-3 times with weed whackers and trimmed for  $\frac{1}{2}$  to  $\frac{3}{4}$  of a mile. He also pointed out that vegetation causes the rail bed to deteriorate – as vegetation increase, moisture increases. The life of the railroad tie is reduced. He acknowledged that the manual labor approach has worked thus far. Cary described how the City of Montpelier offered to reimburse VRS for the cost of manual maintenance of this particular stretch of track outside of the norm. Secretary Ross stated the "he believes without a doubt" that requiring mechanical control along this stretch did not cause a safety issue and reiterated a comparison of all factors involved in mechanical versus chemical control could assist in determining if promotion of mechanical means of control as a sole option is justified or if perhaps some particular rotation of methods would be appropriate and effective. Rick recapped the 2014 meeting and shared that when he asked the rail line, he was told "zero miles" had been treated with manual control. He suggested that the stretch in Montpelier may be the ideal opportunity to investigate and determine if an alternate form of treatment is viable.

Razelle noted that a framework, perhaps with a tiered approach may be in order. Development of such must include consideration of safety issues, particularly considering the tonnage of granite Mr. Delorme noted will be transported along the steep area leading from the granite sheds.

Mr. Delorme suggested that since public has tried to manage vegetation via other means, what if the rail uses the public's recommendations on a test plot and reports the findings back to VPAC and AAFM.

Secretary Ross stressed the importance of being engaged and responsive to public concerns and that public perception, policy and public relations all matter.

Lené noted that public outreach is an area needing attention. Suggestions regarding development of public outreach materials such as fact sheets on the history of treatment strategies in Montpelier and ballast 101 – what it is, maintenance requirements, potential implications if not managed etc.. An extensive discussion ensued. Lené offered to reach out to the Montpelier City Council committee that is working on such issues.

Secretary Ross excused himself from the meeting at 3:15 pm. Razelle thanked him for taking the time to come and speak with the Council and assured him that he has provided many things for the Council to consider and discuss further.

After a short break, the Council extensively discussed the matters raised including, but not limited to what types of informational materials could be provided or developed for both internal use and public outreach. A status report on the state of control efforts since the development of the IVMP was suggested.

Next Meeting: October 14, 2015 1 pm EDT Montpelier National Life Building Ottawaquechee Room M205

Agenda: To Be Determined.